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10/763,836	01/22/2004	Michael Gauselmann	ATR-A-128	7698

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EXAMINER	
CHEUNG, VICTOR	
ART UNIT	**PAPER NUMBER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/763,836	GAUSELMANN, MICHAEL	
	Examiner	Art Unit	
	Victor Cheung	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 March 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Amendments to the abstract and the claims were received on 3/19/2007. Claims 1-3 and 20-21 were amended.

Claims 1-31 are now pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 8-9, 11-12, 14, 16-23, 25, 27, and 29-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Visocnik (US Patent Application Publication No. 2004/0048646).

Note that claim 20, below, includes a gaming device comprising a display area for displaying the game, the game displaying an array of symbols, certain combinations of symbols across at least one pay line determining an award to a player, and at least one processor for carrying out the method of claim 1. Similarly, claims 21, 22-24, and 25-30 are related to claims 2, 8-10, and 12-17, respectively.

Re Claims 1 and 20: Visocnik discloses a gaming method wherein an array of symbols is displayed and an award is granted based on the displayed array of symbols (Page 1, Paragraph 12), the method comprising displaying in a first game an array of randomly selected symbols by a gaming

machine, the array including at least one special symbol in a first position in the array (Fig. 2; Page 5, Paragraphs 81-84), receiving signals from a player initiating a second game immediately following the first game (Fig. 3; Page 6, Paragraphs 89-90), shifting a position of the at least one special symbol in the array from the first position to a second position prior to an array of symbols in the second game being displayed to the player (Page 6, Paragraph 92), subsequent to shifting the position of the at least one special symbol, displaying in the second game an array of randomly selected symbols by the gaming machine, the array including the at least one special symbol in the second position in the array, and granting any award to the player for the second game based upon the symbols displayed in the second game including the at least one special symbol (Page 7, Paragraph 95).

Claim 20: Visocnik discloses a display area for displaying a game, the game displaying an array of symbols, certain combinations of symbols across at least one pay line determining an award to a player, and at least one processor for carrying out the method of claim 1 (Page 1, Paragraph 12).

Re Claims 2, 3, and 21: Visocnik discloses the step of shifting wherein the step comprises shifting a position of the at least one special symbol in the array from the first position to the second position randomly or in a predetermined manner (Page 7, Paragraph 97).

Re Claims 4 and 5: Visocnik discloses displaying in a first game an array of randomly selected symbols by a gaming machine appearing on a plurality of virtual reel strips (Fig. 1). The at least one special symbol can be in a fixed position or in a not-fixed position relative to other symbols on the reel strip (Page 2, Paragraph 13).

Re Claim 6: Visocnik discloses selecting the at least one special symbol to appear in the array based on a non-random event (Page 5, Paragraph 81).

Re Claims 8 and 22: Visocnik discloses that the steps of displaying arrays of randomly selected symbols, shifting a position of at least one special symbol, and granting awards to the player can be performed in a plurality of consecutive games (Page 2, Paragraph 14; Page 7, Paragraphs 95, 98).

Re Claim 9 and 23: Visocnik discloses the at least one special symbol comprising a plurality of special symbols (Page 3, Paragraph 21).

Re Claim 11: Visocnik discloses terminating the use of the at least one special symbol after a predetermined number of games (Page 7, Paragraph 97).

Re Claims 12 and 25: Visocnik discloses the at least one special symbol having a wild card function (Page 2, Paragraph 19).

Re Claims 14 and 27: Visocnik discloses the at least one special symbol having a multiplier function (Page 2, Paragraph 19).

Re Claims 16 and 29: Visocnik discloses a 5x3 array (Fig. 1).

Re Claims 17 and 30: Visocnik discloses granting an award based on combinations of symbols across one or more pay lines (Page 1, Paragraph 12).

Re Claim 18 and 19: Visocnik discloses subsequent games generating new special symbols that are shifted in position along with the at least one special symbol in one or more additional games (Page 8, Paragraph 102).

Re Claim 31: Visocnik discloses that the at least one special symbol is selected at random to be included in the array (Page 5, Paragraph 81).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 7, 10, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Visocnik (US Patent Application Publication No. 200/0048646) as applied to claims 1 and 20 above, and further in view of Rodgers et al. (US Patent No. 7,090,580).

Re Claim 7: Visocnik discloses the limitations of claim 1, above.

However, Visocnik does not specifically teach displaying a first game on a first screen by a gaming machine and a second game on a second screen by the gaming machine.

Visocnik discloses that it is well known in the art to display a first game on a first screen and a second game on a second screen (Page 1, Paragraphs 3-4).

Rodgers et al. teach a gaming machine comprising a plurality of displays for displaying a plurality of games on a single gaming machine (Fig. 1B; Col. 10, Lines 23-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to display the first game on a first screen and the second game on the second screen, thereby providing a dedicated screen for the player to concentrate on for each of the first and second games.

Re Claims 10 and 24: Visocnik discloses the limitations of claims 1 and 20, above.

However, Visocnik does not specifically teach terminating the use of the at least one special symbol after the at least one special symbol is used in a winning combination of symbols.

Rodgers et al. teach that a wild symbol on a reel is kept in play until a winning symbol combination is indicated on the reels (Col. 5, Lines 36-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to terminate the use of the at least one special symbol after the at least one special symbol is used in a winning combination of symbols, thereby keeping the player interested in the game with at least one guaranteed winning combination of reels.

6. Claims 13 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Visocnik (US Patent Application Publication No. 200/0048646) as applied to claims 1 and 20 above, and further in view of Marnell, II et al. (US Patent No. 5,332,219).

Visocnik discloses the limitations of claims 1 and 20, above.

However, Visocnik does not specifically teach the at least one special symbol being a high value symbol.

Marnell, II et al. teach that special symbols in reel type games are worth more than other symbols on the reel (Col. 1, Lines 32-38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the at least one special symbol be a high value symbol, providing the player an increased payout for receiving the special symbol.

7. Claims 15 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Visocnik (US Patent Application Publication No. 200/0048646) as applied to claims 1 and 20 above, and further in view of Rodgers et al. (US Patent No. 7,090,580).

Visocnik discloses the limitations of claims 1 and 20, above. Visocnik also discloses that bonus games are triggered by special symbols (Fig. 1).

However, Visocnik does not specifically teach the at least one special symbol triggering a bonus game.

Yoseloff et al. teach that special symbols in a reel-type game can trigger bonus games (Col. 3, Line 66-Col. 4, Line 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the at least one special symbol trigger a bonus game, thereby increasing the players enjoyment in the game with additional bonus events.

Response to Arguments

8. Applicant's arguments with respect to claims 1 and 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Vancura (US Patent No. 6,033,307) disclose a gaming apparatus including two screens for a primary game and a bonus game, respectively, wherein a primary screen communicates to a secondary screen for displaying the bonus game.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Cheung whose telephone number is (571) 270-1349. The examiner can normally be reached on Mon-Thurs, 8-4:30, and every other Fri, 8-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

VC
Victor Cheung
June 11, 2007

Robert Pezzuto
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Art Unit 3714